**Section 1030.70 Maintenance of Approval under the 1945 Act**

a) Most institutions are approved to operate under both the 1945 Act and the 1961 Act. Institutions under only the 1945 Act shall comply with Section 1030.70. Institutions under only the 1961 Act shall comply with Section 1030.80. Institutions under both Acts shall comply with both Sections 1030.70 and 1030.80. When the two Sections are identical, the institution will be considered in compliance with the 1945 Act by complying with Section 1030.80 and vice versa.

b) The following rules govern maintenance of the Certification of Approval under the 1945 Act:

1) Annual Reporting

A) Each approved institution shall file annually with the Board its current catalogs.

B) Compliance with all State and federal reporting mandates is required for maintenance of approvals.

2) Reviews

The staff of the Board may conduct reviews and/or visitations of approved institutions as necessary for the implementation of the statute and this Part.

3) Complaints

Each approved institution must respond in writing within 10 business days after receiving a student's complaint from the Board. The Board shall review the response and determine if additional information is needed from the institution.

4) Investigations of Institutions

The status of institutions under investigation as described in this Section shall be reported in Board public materials as "Institutions under investigation: on hold pending review of Board approval status".

A) The staff of the Board shall initiate an investigation upon receipt of a verified written complaint and may initiate an investigation in response to oral or written information concerning any of the following:

i) Alleged violation of any of the conditions governing issuance of the Certificate of Approval;

ii) Alleged failure to comply with this Part;

iii) Alleged fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;

iv) Loss, suspension, probation or similar adverse action taken by an accrediting body with which the institution is or was affiliated;

v) Actions of federal or state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies.

B) The institution will be notified by the Board about the initiation of an investigation. During the investigation there may be a temporary hold placed on any of the institution's pending applications and requests to the Board for modification of existing approvals. The hold will be for a specified period of time not to exceed six months, unless the Board begins collection of pertinent information related to satisfying the issues associated with the investigation, such as the results of adverse actions by federal or state regulatory agencies, the results of pending court action for which a sworn affidavit has been filed, actions of accrediting bodies, or similar information. Upon completion of the investigation, the Board will accept the institution's request to voluntarily relinquish its approval, begin the process for revocation as provided in subsection (b)(4), at which time the hold continues, or remove the hold. Information that any current authorizations or future applications are on hold will be provided by the Board on its web page or in print materials that reference authorized institutions.

5) Revocation or Relinquishment of the Certificate of Approval

A) Grounds for revocation include any of the following:

i) Violation of any of the conditions governing issuance of the Certificate of Approval;

ii) Failure to comply with this Part;

iii) Fraudulent conduct on the part of any person operating the institution or of any person, acting within the scope of his/her employment by the institution, on account of which any student ever enrolled in the institution has been injured or has suffered financial loss;

iv) Failure to offer degrees or instruction for one continuous 12-month period;

v) Abandonment of the institution;

vi) Loss of accreditation status with an accrediting body with which the institution is or was affiliated;

vii) Actions of federalor state regulatory agencies or Offices of Attorneys General, Offices of Inspectors General, or similar bodies that affect an institution's status with those bodies;

viii) Pervasive and substantial student complaints against the institution.

B) Procedures for Revocation

i) Before revoking any certificate to operate, the Board shall designate a Hearing Officer who shall schedule and conduct a hearing, as prescribed in Section 6-9 of the 1945 Act. The Board shall not be required to schedule a hearing and has the option to waive a hearing if the institution has not operated for one continuous 12-month period or the institution has been abandoned; even in these cases, however, the Board shall be required to revoke the certificate at a public meeting at which any opponent who is injured or impacted by the revocation must be given the opportunity to be heard.

ii) If the Board decides to grant a rehearing pursuant to Section 10 of the 1945 Act, it shall appoint another Hearing Officer, different from the first, who shall conduct a hearing upon only those grounds for which the rehearing was granted. The second Hearing Officer shall submit a written report of findings and recommendations to the Board, which shall make a final determination.

iii) Upon revocation of the Certificate to Operate, the Certificate of Approval shall be rendered invalid.

iv) At any time after revocation of a Certificate of Approval, the Board may restore it to the institution.

v) A closed institution shall arrange for its student records to be maintained in a safe and suitable place as determined by the Board (such as another like kind of institution or the Board).

C) Voluntary Relinquishing of Approval

i) Institutions may voluntarily relinquish their Certificate of Approval, Authorization to Operate, or Authorization to Grant Degrees. The voluntary relinquishment shall be in writing and does not require a hearing or any other Board action to be effective.

ii) Institutions relinquishing approval and/or authorization shall be required to provide for an appropriate repository of records and may be required to provide a student completion plan that must be approved by the Board.

D) Change of Legal Status of the Institution

i) An institution's Certificate of Approval, Authorization to Operate and Authorization to Award Degrees are granted to a specific legal entity based on the conditions under which the institution and/or its degrees were authorized. A change to the legal status of the entity shall result in immediate loss of the certificate or authorization.

ii) A change of legal status ends the exempted status of institutions described in Section 1030.10. After a change of legal status, institutions previously exempted must seek new operating and degree granting authority.

iii) Institutions that are planning a change of legal status shall inform the Board as early as possible. If new approvals will be sought by the institution, a plan should be developed in consultation with the Board to facilitate the transition process.

iv) In cases in which a change in shareholders results in new leadership of an institution, the Board shall require that the institution submit documentation demonstrating that no change has occurred in the operation of the institution that would affect the conditions under which the institution and/or its degrees were authorized.

v) Merger of two institutions resulting in the creation of a new institution causes both institutions to lose their approvals and results in the need for new authorizations.

(Source: Amended at 42 Ill. Reg. 66, effective December 19, 2017)